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Reference Code of Application DA/78/677

CHIEF PLANNING
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KENT COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACTS

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1977

Notification of Grant of permission to Develop Land

To:- Blue Circle Industries Ltd.,
c/o R.J.B. Dorin, Esq.,
Portland House,
Stag Place,
London.
SW1E 5BJ

TAKE NOTICE that the KENT COUNTY COUNCIL, the County Planning Authority under the Town and Country Planning Acts, HAS GRANTED PERMISSION for development of land situate to the west of Swanscombe Cement Works, Swanscombe in the Borough of Dartford and being the reclamation of disused chalk pit by the disposal of works waste referred to in your application for permission for development dated the Twentieth day of September 1978 as amplified by Drawing No. SAO 191A SUBJECT TO THE CONDITIONS SPECIFIED hereunder:-

(i) the development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted;

(ii) no materials shall be disposed of and used for filling purposes except those within the category of inert or non-toxic general Works waste, and no cement flue dust, notifiable asbestos or other category of material shall be disposed of on the site except with the prior consent of the County Planning Authority in writing;

(iii) a detailed specification of the filling materials to be deposited on the line of the proposed A226 Thames-side Diversion, shall be submitted to and approved by the County Planning Authority in writing before any infilling operations take place on the site;

(iv) before any filling operations are commenced on the site, a plan shall be submitted to and approved by the County Planning Authority showing the areas of existing vegetation which are to be safeguarded from the filling operations, and such plan shall include a minimum of a 20 metre belt of trees on the northern boundary of the site, and the phasing of the operations to bring about the minimum disturbance to existing vegetation until the land is required for tipping;

(v) within 12 months of the date of this approval a general framework for a landscaping boundary treatment and final restoration scheme for the whole quarry shall be submitted, and shall include full details of the nature and depth of material to be used as final cover in respect of the tipped area which shall be a minimum of 300 mm subsoil and 300 mm topsoil covering; the locations within which planting is proposed to take place; and the arrangements for seeding on areas brought up to final levels before final restoration. The seeding details shall provide for types of grass seed mixtures. The scheme submitted shall contain a general programme for implementation of the various elements of the restoration scheme;

(vi) the programme of landscaping boundary treatment and final restoration submitted pursuant to condition (v) shall be fully implemented in accordance with the scheme as finally approved by the County Planning Authority, in accordance with the programme indicated within the approved scheme, or such other extended period as may be approved in writing by the County Planning Authority, and shall thereafter be maintained to the satisfaction of the County Planning Authority for a period of 8 years;

(vii) in the event of the Site Licence being revoked or the site abandoned before filling, covering, restoration and landscaping have been completed as approved, a scheme to provide for restoration of the site at a lower level shall be submitted to the County Planning Authority for approval within six months or within such extended period as may be approved in writing by the County Planning Authority and on approval such a scheme shall be implemented in accordance with a programme to be approved by the County Planning Authority in writing;

(viii) the site shall at all times be maintained in a neat and tidy condition to the reasonable satisfaction of the County Planning Authority;

(ix) notwithstanding the provisions of the Town and Country Planning General Development Order 1977, permission will be required for the erection of buildings, works, plant or any machinery, including conveyor belts, which may be required in connection with the operations herein permitted, and all such buildings, works, plant and machinery shall be removed from the site within three months of the completion of tipping or within such period of time that the County Planning Authority may decide is necessary;

(x) the operators shall take all reasonable precautions including fencing of the boundaries of the site to prevent tipping by unauthorised bodies or persons; and the entrance gates to the site shall be kept closed at all times when tipping operations are not in progress; and

(xi) the finished level of the tip shall in no place be higher than the level of the land adjoining the site without the prior permission in writing of the Local Planning Authority.

and that the grounds for the imposition of such conditions are:-

(i) in pursuance of Section 41 of the Town and Country Planning Act 1971;

(ii) & (x) in the interests of local amenity;

(iii) as the site is affected by a future road proposal;

(iv), (v), (vi), (vii) & (viii) in the interests of local amenity and as no such details have been submitted;

(ix) in order to control development; and

(xi) in the interests of visual amenity.

Dated this Fifth day of April 1979

COUNTY HALL,
MAIDSTONE
KENT. ME14 1XQ

(Signed)..... County Secretary

NOTE:-

This permission is confined to permission under the Town and Country Planning Acts, and the Town and Country Planning General Development Order, 1977 and does not obviate the necessity of compliance with any other enactment, bye-law, or other provision whatsoever or of obtaining from the appropriate authority or authorities any permission, consent, approval or authorisation which may be requisite.

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NOTIFICATION TO APPLICANT

(1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with section 36 of the Town and Country Planning Act, 1971, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Department of the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.

(2) If permission to develop is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the county district in which the land is situated, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act, 1971.

(3) In certain circumstances, a claim may be made against the local planning authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 of the Town and Country Planning Act, 1971.